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10/717,479 11/21/2003 Noboru Koumura	000/0 00222/
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5514 7590 03/09/2005	EXAMINER
FITZPATRICK CELLA HARPER & SCINTO	PAHNG, JASON Y
30 ROCKEFELLER PLAZA NEW YORK, NY 10112	ART UNIT PAPER NUMBE
	3725

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)	
	10/717,479	KOUMURA ET AL.	
Office Action Summary	Examiner	Art Unit	
	Jason Y Pahng	3725	
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address	
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a reply be timed within the statutory minimum of thirty (30) days will apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).	
Status			
1) Responsive to communication(s) filed on			
a) This action is FINAL . 2b) ⊠ This action is non-final.			
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.			
Disposition of Claims			
4) ☐ Claim(s) 1-3 is/are pending in the application. 4a) Of the above claim(s) is/are withdraw 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) 1-3 is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction and/or			
Application Papers		•	
9)☐ The specification is objected to by the Examine			
10)☐ The drawing(s) filed on is/are: a)☐ acce			
Applicant may not request that any objection to the			
Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Ex			
Priority under 35 U.S.C. § 119			
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority documents 2. Certified copies of the priority documents 3. Copies of the certified copies of the prior application from the International Bureau * See the attached detailed Office action for a list	s have been received. s have been received in Applicati rity documents have been receive u (PCT Rule 17.2(a)).	on No ed in this National Stage	
Attachment(s)			
 Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 11/21/03 & 3/29/04. 	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:		

Application/Control Number: 10/717,479

Art Unit: 3725

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to claim 1, are the particles in line 4 the same particles as the particles in line 3? Also, are the particles in line 8 the same particles as the particles in line 4? Furthermore, from which step did the plastic material in line 11 come from?

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lecturmy et al. (US 6,311,904) in view of Christiani et al. (US 2003/0183705), Prew et al. (US 5,257,740), Aoki et al. (US 6,568,612), and Arakane et al. (US 6,588,597).

With regard to claim 1, Lecturmy discloses a process for crushing a cartridge while toner are collected by suction and then separated with a screen. In a closely

related art, Christiani teaches a process for recycling a plastic material of a package or cartridge [0001] wherein the process includes:

- 1. using a magnetic separator [0005]);
- 2. using a magnetic drum separator [0005];
- 3. using an eddy current [0006];
- 4. using an air separator (20); and
- 5. a spectroscopic separation process [0001];

Christiani's process improves separation of materials which can be recycled. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide Lecturmy with a process for recycling his plastic cartridge as taught by Christiani, in order to improve separation of materials which can be recycled.

Claim 1 also calls for a nominal secondary crushing step. In a closely related art, Prew discloses a secondary crushing step (column 2, lines 15-23) in order to further reduce size of a material during a recycling process. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide Lecturmy (as modified by Christiani) with a secondary crushing step in order to further reduce size of a material during a recycling process, as taught by Prew.

Claim 1 additionally calls for a nominal peeling step. In a closely related art, Aoki discloses a peeling step (column 19, lines 43-50) in order to scrape off impurities from the material being recycled. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide Lecturmy (as modified by Christiani)

Art Unit: 3725

with a peeling step in order to scrape off impurities from the material being recycled, as taught by Aoki.

Claim 1 further calls for a nominal dry gravity separation step. In a closely related art, Arakane discloses a dry gravity separation step (column 5, lines 1-15) in order to separate materials including plastic according to their specific gravity during a recycling process. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide Lecturmy (as modified by Christiani) with a dry gravity separation step in order to separate materials including plastic according to their specific gravity during a recycling process, as taught by Arakane.

Claim 1 still further call for a nominal process to separate plastic material by color. Aoki discloses a process for separating plastic material by color (column 4, lines 52-59) in order to enhance the quality of recovered plastic. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide Lecturmy (as modified by Christiani) with a process for separating plastic material by color in order to enhance the quality of recovered plastic, as taught by Aoki.

With regard to claim 2, Christiani's process includes a plastic material conveyed in a dried state in a spectroscopic separation process [0001].

With regard to claim 3, the intended use of the process for a particular plastic material with a reflection density not less than 1 does not differentiate the claimed process from a prior art process satisfying the claimed process limitations. Ex parte Masham, 2 USPQ2d 1647 (1987).

Application/Control Number: 10/717,479 Page 5

Art Unit: 3725

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Y Pahng whose telephone number is 571 272 4522. The examiner can normally be reached on 9:00 AM - 7:00 PM, Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 571 272 4419. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JYP

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